

Application Serial No. 10/824,459

REMARKS

1. Applicant thanks the Examiner for his findings, conclusions, and for pointing out the allowability of Claims 23, 26-31, and 40.

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3. It should be appreciated that Applicant has elected to amend Claims 21, 26, and 31 and to cancel Claims 1-20 and 23 solely for the purpose of expediting the patent process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendments, Applicant has not and does not in any way narrow the scope of protection to which the Applicant considers the invention herein entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

15 4. In order to expedite the patent prosecution process in accordance with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00), the Applicant cancels Claims 1-20 from the Application.

5. Claims 1, 8, 18, and 28 stand objected to as having grammatical errors.

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Claims 1, 8, and 18

In view of the above described cancellation of Claims 1, 8, and 18, the current objection to Claims 1, 8, and 18 as having grammatical errors is rendered moot.

25 **Claim 28**

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The Applicant amends Claim 28 to provide a proper definite article prior to the clause "surrounding area". Accordingly, the current objection to Claim 28 for not providing proper antecedent basis is deemed to be overcome.

- 5 6. Claim 16 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention.

10 In view of the above described cancellation of Claim 16, the current rejection of Claim 16 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention is rendered moot.

- 15 7. Claims 1-20 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

In view of the above described cancellation of Claims 1-20, the current rejection of Claims 1-20 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is rendered moot.

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8. The Applicant amends Claim 21 to incorporate all of the elements of allowable Claim 23.

- 25 9. Claims 1, 2, 4, 5, 21, 22, 24, and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 5,879,373 (hereinafter "Roper").

Claims 1, 2, 4, and 5

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In view of the above described cancellation of Claims 1, 2, 4, and 5, the current rejection of Claims 1, 2, 4, and 5 under 35 U.S.C. § 102(b) as being anticipated by Roper is rendered moot.

5 Claims 21, 22, 24, and 25

In view of the above described amendment to parent Claim 21 incorporating allowable Claim 23, the current rejection of Claims 21, 22, 24, and 25 under 35 U.S.C. § 102(b) as being anticipated by Roper is deemed to be overcome.

- 10 10. Claims 12-19 and 32-39 stand rejected under 35 U.S.C. § 103(a) as being anticipated by roper in view of U.S. patent publication no. 2002/0055671 (hereinafter "Wu") in further view of U.S. patent no. 5,596,987 (hereinafter "Chance").

Claims 12-19

- 15 In view of the above described cancellation of Claims 12-19, the current rejection of Claims 12-19 under 35 U.S.C. § 103(a) as being unpatentable over Roper in view of Wu and in further view of Chance is rendered moot.

Claims 32-39

- 20 In view of the above described amendment to parent Claim 21 incorporating allowable Claim 23, the current rejection of dependent Claims 32-39 under 35 U.S.C. § 103(a) as being unpatentable over Roper in view of Wu and in further view of Chance is deemed to be overcome.

- 25 11. Allowable Claims 26 and 31 are rewritten in independent form incorporating parent Claim 21 and any intervening claim. Accordingly, Claim 26 and 31 and all claims dependent therefrom are deemed to be in allowable format.

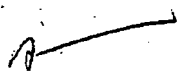
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CONCLUSION

In view of the above, the Application is deemed to be in allowable condition. The
5 Examiner is therefore earnestly requested to withdraw all outstanding rejections and
objections, allowing the Application to pass to issue as a United States Patent. Should
the Examiner have any questions regarding the application, he is respectfully urged to
contact Applicant's attorney at (650) 474-8400.

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Respectfully submitted,



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